

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JERROD CORLEY,)
Petitioner,)
v.) Case No. 4:22-cv-00250 SRC
PAUL BLAIR,)
Respondent.)

Memorandum and Order

This matter comes before the Court on Corley’s “motion to reinstate petitioner’s petition for writ of habeas corpus.” Doc. 5. The Court dismissed Corley’s petition on April 13, 2022, for failure to comply with the Court’s prior order, dated March 1, 2022, requiring Corley to sign his petition. Corley asserts that he did not receive the Court’s prior order and seeks to “reinstate” his petition. In support of his motion and in compliance with the Court’s order of March 1, 2022, Corley submits a signed petition for writ of habeas corpus, as well as a memorandum from a deputy warden informing Corley that his mail had been accidentally delayed by the prison mail room. The Court construes Corley’s motion to “reinstate” his petition as one arising under Fed. R. Civ. P. 60(b) and finds that the circumstances described by Corley in his motion justify relief. Moreover, before the Court dismissed this case, Corley had moved for leave to proceed in forma pauperis. Upon review of the financial information provided by Corley, the Court finds that Corley is unable to pay the filing fee. *See* 28 U.S.C. § 1915.

Accordingly, the Court grants Corley’s [5] motion to reinstate his petition which the Court construes as a motion under Fed. R. Civ. P. 60(b) and vacates its prior order of dismissal entered on April 13, 2022. Doc. 4. The Court directs the Clerk to replace Corley’s unsigned

petition, Doc. 1, with Corley's signed petition, Doc. 5-1. *Cf. Becker v. Montgomery*, 532 U.S. 757, 768 (2001). The Court grants Corley's [2] motion for leave to proceed in forma pauperis.

So Ordered this 6th day of May 2022.



STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE